

UNITED STATES DISTRICT COURT FILED  
DISTRICT OF MASSACHUSETTS IN CLERKS OFFICE

2004 JAN -6 A 11: 58

WORCESTER, SS.:

Civil Action No. 03 12099

U.S. DISTRICT COURT  
DISTRICT OF MASS.

\_\_\_\_\_  
DONALD ACHER,

Plaintiff,

v.

FUJITSU NETWORK COMMUNICATIONS, INC.

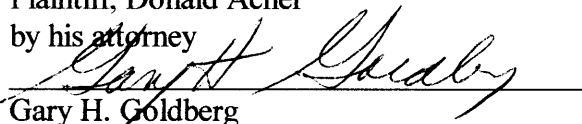
Defendant.  
\_\_\_\_\_

**MOTION FOR LEAVE TO FILE SUR REPLY BRIEF**

**NOW HERE COMES** the Plaintiff, Donald Acher, who, pursuant to Local Rule 7.1(B)(3), respectfully requests this Honorable Court to allow him to file a brief sur reply to the reply memorandum filed by the Defendant on or about December 19, 2003. In support thereof, Plaintiff maintains that the information contained in the sur reply memorandum will be helpful to the Court in issuing its ultimate ruling on Defendant's Motion to Compel Arbitration, or in the Alternative, Dismiss Complaint for Failure to State a Claim.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court for leave to file a sur reply brief by January 19, 2004 addressing the issues raised in Defendant's reply memorandum.

Plaintiff, Donald Acher  
by his attorney

  
\_\_\_\_\_  
Gary H. Goldberg

120 Main Street

Worcester, MA 01608

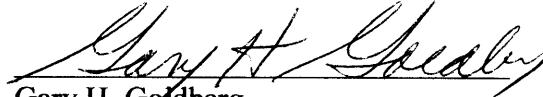
(508)797-1018

BBO #: 553887

Dated: January 5, 2004

**LOCAL RULE 7.1 CERTIFICATION**

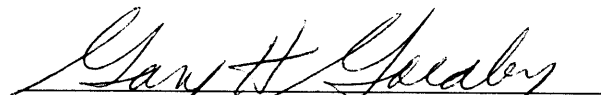
I, Gary H. Goldberg, hereby certify on this 5<sup>th</sup> day of January, 2004, that I have conferred with Jeffrey Rosin, counsel for Defendant, in advance of filing this Motion. Attorney Rosin has indicated his assent to same.

  
Gary H. Goldberg

**CERTIFICATE OF SERVICE**

I, Gary H. Goldberg, hereby certify that on this 5<sup>th</sup> day of January, 2004, I filed Motion for Leave to File Sur Reply Brief with the U.S. District Court, 595 Main Street, Worcester, Massachusetts 01608 by first class mail, and forwarded a copy by first class mail to counsel for Defendant:

Jeffrey M. Rosin, Esq.  
Epstein, Becker & Green, P.C.  
111 Huntington Avenue  
26<sup>th</sup> Floor  
Boston, MA 02199

  
Gary H. Goldberg